

**AMENDMENT TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently amended) A method of maximizing a packet transfer rate in a network from a network appliance to an [a] access point, wherein the network appliance has a faster packet transfer rate than the access point, the method comprising the steps of:
  - a. determining a transfer speed of packets for the access point; [and]
  - b. controlling a rate of transfer of packets from the network appliance to accommodate the access point; [point]
  - c. determining an average size of packets received by the network appliance for transfer to the access point; and
  - d. adjusting the rate of transfer of packets from the network appliance in response to the average size of packets.
2. (Original) The method according to claim 1 wherein the step of determining a transfer speed of packets for the access point comprises measuring the transfer speed.
3. (Original) The method according to claim 1 wherein the step of determining a transfer speed of packets for the access point comprises a table containing data for a plurality of commercially available access points.
4. (Original) The method according to claim 1 wherein the step of adjusting the rate of transfer is performed dynamically to accommodate changes in the average rate of transfer of packets.
5. (Currently amended) An apparatus for maximizing a packet transfer rate in a network from a network appliance to [a] an access point, wherein the network appliance has a faster packet transfer rate than the access point, the method comprising the steps of:
  - a. a system for determining a transfer speed of packets for the access point; [and]
  - b. a controller for controlling a rate of transfer of packets from the network appliance to accommodate the access point; [point]
  - c. a circuit for determining an average size of packets received by the network

- appliance for transfer to the access point; and
  - d. controller means for adjusting the rate of transfer of packets from the network appliance in response to the average size of packets.
6. (Original) The apparatus according to claim 5 wherein the system for determining a transfer speed of packets for the access point comprises a circuit measuring the transfer speed.
7. (Original) The apparatus according to claim 5 wherein the system of determining a transfer speed of packets for the access point comprises a table containing data for a plurality of commercially available access points
8. (Original) The apparatus according to claim 5 wherein the controller means operates dynamically to accommodate changes in the average rate of transfer of packets.
9. (Original) A method of maximizing packet throughput on a network, comprising:
  - a. computing an average packet size; and
  - b. adjusting an amount of data to be transmitted per unit of time based on the average packet size.
10. (Original) The method of claim 9 wherein the amount of data to be transmitted per unit of time is dynamically adjusted.
11. (Original) The method of claim 9 wherein the data is transmitted to a wireless device selected from the group consisting of a PDA, wireless e-mail device, a wireless laptop, a wireless printer via an access point.
12. (Original) The method of claim 9 wherein the amount of data to be transmitted per unit of time is based on a processing speed of an access point.
13. (Original) An apparatus for maximizing packet throughput on a network, comprising:
  - a. means for computing an average packet size; and
  - b. means for adjusting an amount of data to be transmitted per unit of time based on the average packet size.

14. (Original) The apparatus of claim 13 wherein the amount of data to be transmitted per unit of time is dynamically adjusted.
15. (Original) The apparatus of claim 13 wherein the amount of data to be transmitted per unit of time is based on a processing speed of an access point.
16. (Original) A method of maximizing packet throughput on a network, comprising:
  - a. computing an average packet size; and
  - b. dynamically adjusting an amount of data to be transmitted per unit of time based on the average packet size, wherein the average packet size is dynamically changed, such that when an incoming packet is greater than the average packet size the amount of data to be transmitted per unit of time increases, and when the incoming packet is less than the average packet size the amount of data to be transmitted per unit of time decreases.
17. (Original) The method of claim 16 wherein a switch adjusts the amount of data to be transmitted per unit of time.
18. (Original) The method of claim 16 wherein the amount of data to be transmitted per unit of time is based on a processing speed of an access point.
19. (Original) The method of claim 18 wherein the amount of data to be transmitted per unit of time is based on the processing speed of the access point and the average packet size.
20. (Original) The method of claim 19 wherein the processing speed of the access point is predetermined.
21. (Original) An apparatus for maximizing packet throughput on a network, comprising:
  - a. means for computing an average packet size; and
  - b. means for dynamically adjusting an amount of data to be transmitted per unit of time based on the average packet size, wherein the average packet size is dynamically changed, such that when an incoming packet is greater than the average packet size the amount of data to be transmitted per unit of time

increases, and when the incoming packet is less than the average packet size the amount of data to be transmitted per unit of time decreases.

22. (Original) The apparatus of claim 21 wherein a switch adjusts the amount of data to be transmitted per unit of time.
23. (Original) The apparatus of claim 22 wherein the amount of data to be transmitted per unit of time is based on a processing speed of an access point.
24. (Original) The apparatus of claim 23 wherein the processing speed of the access point is predetermined.